

**United States District Court**  
For the Northern District of California

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

Cheryl Cason,  
Plaintiff,  
v.  
Federated Life Insurance Company,  
Defendant.

No. CV10-00792 EMC

**SECOND AMENDED CASE  
MANAGEMENT AND PRETRIAL  
ORDER FOR JURY TRIAL**

Following the Case Management Conference held on **4/13/2011**, IT IS HEREBY ORDERED

THAT:

A further case management conference is set for **6/15/2011** at **2:30 p.m.** before Magistrate Judge Chen in Courtroom C, 15th Floor, U.S. District Court, 450 Golden Gate Avenue, San Francisco, California. Updated joint case management conference statement is due **6/8/2011**. The hearing on parties' joint letter dispute regarding Veila Frost (Docket #55) is **reset** from 4/20/11 to **4/27/11 at 10:30 a.m.** Parties shall also file their joint letter regarding privilege matter by **4/20/2011**, which shall also be heard on **4/27/2011 at 10:30 a.m.**

Pursuant to Fed.R.Civ.P. 16, IT IS FURTHER ORDERED THAT the following case management and pretrial order is entered:

///

1   1.    TRIAL DATE

2       a.     Jury trial is reset from 8/29/2011 to **11/7/2011 at 8:30 a.m.** in Courtroom D, 15th  
3 Floor, 450 Golden Gate, San Francisco, CA 94102.

4       b.     The length of the trial will be not more than **nine (9)** days. Court hours for trial are  
5 8:30 a.m. to 2:00 p.m. Wednesdays are reserved for law and motion and other matters.

6   2.    DISCOVERY

7       a.     All non-expert discovery shall be completed by **6/20/2011**.

8       b.     Instead of filing formal discovery motions, parties shall meet and confer and submit brief  
9 joint letter on unresolved issues to the Court for expedited resolution.

10      c.     Experts shall be disclosed and reports provided by plaintiff and defendant by **6/20/2011**.

11      d.     Rebuttal experts shall be disclosed and reports provided by **7/5/2011**.

12      e.     All discovery from experts shall be completed by **7/18/2011**.

13      f.     Pursuant to Civil L.R. 37-1(b), telephone conferences are available to resolve  
14 disputes during a discovery event, such as a deposition, where the resolution during the event likely  
15 would result in substantial savings of expense or time.

16   3.    MOTIONS

17       The last day for **hearing** dispositive motions shall be **8/24/2011**. Dispositive motions shall  
18 be served and filed no later than **thirty-five (35)** days prior to the scheduled hearing date. Any  
19 opposition shall be served and filed no later than **twenty-one (21)** days prior to the hearing date.  
20 Any reply to the opposition shall be served and filed no later than **fourteen (14)** days prior to the  
21 date of the hearing.

22   4.    ALTERNATIVE DISPUTE RESOLUTION/SETTLEMENT CONFERENCE

23       Parties are scheduled to appear before Magistrate Judge Donna Ryu for further settlement  
24 conference on **4/15/2011 at 10:00 a.m.**

25   5.    PRETRIAL CONFERENCE

26       a.     A pretrial conference shall be held on **10/26/2011 at 3:00 p.m.** in Courtroom C, 15th  
27 Floor. **Lead counsel who will try the case must attend.** The timing of disclosures required by  
28

**United States District Court**  
For the Northern District of California

1 Federal Rule of Civil Procedure 26(a)(3) and other pretrial disclosures shall be governed by this  
2 order.

3 b. **9/27/2011, thirty (30) days** prior to the date of the pretrial conference, lead counsel  
4 shall meet and confer regarding:

- 5 (1) Preparation and content of the joint pretrial conference statement;  
6 (2) Preparation and exchange of pretrial materials to be served and lodged  
7 pursuant to paragraph 5© below; and  
8 (3) Settlement of the action.

9 c. **10/7/2011, twenty (20) days** prior to the pretrial conference, counsel and/or parties  
10 shall:

- 11 (1) Serve and file a joint pretrial statement that includes the pretrial disclosures  
12 required by Federal Rule of Civil Procedure 26(a)(3) as well as the following  
13 supplemental information:

14 (a) *The Action.*

15 (I) Substance of the Action. A brief description of the substance  
16 of claims and defenses which remain to be decided.

17 (ii) Relief Prayed. A detailed statement of all the relief claims,  
18 particularly itemizing all elements of damages claimed as well  
19 as witnesses, documents or other evidentiary material to be  
20 presented concerning the amount of those damages.

21 (b) *The Factual Basis of the Action.*

22 (I) Undisputed Facts. A plain and concise statement of all  
23 relevant facts not reasonably disputable, as well as which facts  
24 parties will stipulate for incorporation into the trial record  
25 without the necessity of supporting testimony or exhibits.

26 (ii) Disputed Factual Issues. A plain and concise statement of all  
27 disputed factual issues which remain to be decided.

5 ( c ) *Disputed Legal Issues.*

Without extended legal argument, a concise statement of each disputed point of law concerning liability or relief, citing supporting statutes and decisions.

(d) *Trial Preparation.*

(I) Witnesses to Be Called. With regard to witnesses disclosed pursuant to Federal Civil Rule of Civil Procedure 26(a)(3)(A), a brief statement describing the substance of the testimony to be given.

(ii) Estimate of Trial Time. An estimate of the number of hours needed for the presentation of each party's case, indicating possible reductions in time through proposed stipulations, agreed statements of facts, or expedited means of presenting testimony and exhibits.

(iii) Use of Discovery Responses. Designate excerpts from discovery that the parties intend to present at trial, other than solely for impeachment or rebuttal, from depositions specifying the witness page and line references, from interrogatory answers, or from responses to requests for admission.

(e) *Trial Alternatives and Options.*

(I) Settlement Discussion. A statement summarizing the status of settlement negotiations and indicating whether further negotiations are likely to be productive.

26 No party shall be permitted to call any witness or offer any exhibit in its case in chief that is  
27 not disclosed in its pretrial statement without leave of the Court and for good cause.

1           d.       **10/17/2011, ten (10) days** prior to the pretrial conference, after meeting and  
2 conferring in a good faith attempt to resolve any objections, counsel and/or parties shall serve and  
3 file: (1) any objections to exhibits or to use of deposition excerpts or other discovery; (2) any  
4 objections to witnesses, including the qualifications of an expert witness; (3) any objection to  
5 proposed voir dire questions, jury instructions and verdict forms that the parties have been unable in  
6 good faith to resolve; (4) any opposition to a motion in limine. No replies shall be filed.

7           e.       All motions in limine and objections shall be heard at the pretrial conference.

8       6.       JURY TRIAL

9           a.       The attached voir dire questionnaire (or similar) shall be given or presented to the venire  
10 members to be answered orally in Court. Counsel shall submit an agreed upon set of additional voir dire  
11 questions to be posed by the Court. Any voir dire questions on which counsel cannot agree may be  
12 submitted separately. Counsel shall be allowed brief follow-up voir dire after the Court's questioning.

13           b.       The following jury instructions from the Ninth Circuit Manual of Model Civil Jury  
14 Instructions (2007 ed.) (also available on the Ninth Circuit website at [www.ce9.uscourts.gov](http://www.ce9.uscourts.gov)) shall be  
15 given absent objection: 1.1-1.2, 1.6-1.14, 1.18-1.19, 3.1-3.3. Counsel shall submit jointly an agreed  
16 upon set of case specific instructions, using the Ninth Circuit Manual where appropriate. Do not submit  
17 duplicates of those listed above. Any instructions on which counsel cannot agree may be submitted  
18 separately. Each requested instruction shall be typed in full on a separate page with citations to the  
19 authority upon which it is based and a reference to the party submitting it. A second blind copy of each  
20 instruction and verdict form shall also be submitted omitting the citation to authority and the reference  
21 to the submitting party.

22       7.       All documents filed with the Clerk of the Court shall list the civil case number followed by  
23 the initials "EMC". One copy shall be clearly marked as a chambers copy. Chambers' copies shall  
24 be three-hole punched at the left side, suitable for insertion into standard binders. In additions, all  
25 proposed jury instructions, motions in limine, forms of verdict and trial briefs shall be accompanied  
26       ///  
27       ///

28

**United States District Court**  
For the Northern District of California

1 by diskette containing a copy of the document formatted in WordPerfect 6.1 (Windows) or 8.0  
2 (Windows).

3 Dated: April 14, 2011



---

6 EDWARD M. CHEN  
7 United States Magistrate Judge  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**JUROR QUESTIONNAIRE**

Please stand and recite the information listed below.

1. Name
2. City of Residence
3. Occupational Status
4. Organizations
5. Hobbies
6. Marital Status
7. Spouse's Occupation
8. Children, Ages
9. If Juror on Another Case
10. If Ever a Grand Juror
11. If Ever in Military

**EXHIBIT A**

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

Case Number:

PLTF / DEFT EXHIBIT  
NO.\_\_\_\_\_

Date  
Admitted:\_\_\_\_\_

By:\_\_\_\_\_  
Betty Lee, Deputy Clerk

---

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

Case Number:

PLTF / DEFT EXHIBIT  
NO.\_\_\_\_\_

Date  
Admitted:\_\_\_\_\_

By:\_\_\_\_\_  
Betty Lee, Deputy Clerk

---

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

Case Number:

PLTF / DEFT EXHIBIT  
NO.\_\_\_\_\_

Date  
Admitted:\_\_\_\_\_

By:\_\_\_\_\_  
Betty Lee, Deputy Clerk

---

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

Case Number:

PLTF / DEFT EXHIBIT  
NO.\_\_\_\_\_

Date  
Admitted:\_\_\_\_\_

By:\_\_\_\_\_  
Betty Lee, Deputy Clerk

---

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

Case Number:

PLTF / DEFT EXHIBIT  
NO.\_\_\_\_\_

Date  
Admitted:\_\_\_\_\_

By:\_\_\_\_\_  
Betty Lee, Deputy Clerk

---

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

Case Number:

PLTF / DEFT EXHIBIT  
NO.\_\_\_\_\_

Date  
Admitted:\_\_\_\_\_

By:\_\_\_\_\_  
Betty Lee, Deputy Clerk

---

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

Case Number:

PLTF / DEFT EXHIBIT  
NO.\_\_\_\_\_

Date  
Admitted:\_\_\_\_\_

By:\_\_\_\_\_  
Betty Lee, Deputy Clerk

---

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

Case Number:

PLTF / DEFT EXHIBIT  
NO.\_\_\_\_\_

Date  
Admitted:\_\_\_\_\_

By:\_\_\_\_\_  
Betty Lee, Deputy Clerk

---

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

Case Number:

PLTF / DEFT EXHIBIT  
NO.\_\_\_\_\_

Date  
Admitted:\_\_\_\_\_

By:\_\_\_\_\_  
Betty Lee, Deputy Clerk

---